ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

NEVADA

FFY 2007



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substance Abuse and Mental Health Services Administration Center for Substance Abuse Prevention www.samhsa.gov

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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 08/31/2007. Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, Room 7-1044, Rockville, Maryland 20857

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2006 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2007 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to SAMHSA/CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State and Community Assistance at 240-276-2570 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at 240-276-1404.

Where and when to submit the Annual Synar Report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2006. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer Office of Program Services, Division of Grants Management Substance Abuse and Mental Health Services Administration

Regular Mail: Overnight Mail:

1 Choke Cherry Road, Room 7-1091 Rockville, Maryland 20857

1 Choke Cherry Road, Room 7-1091 Rockville, Maryland 20850

FFY 2007: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT

42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.

SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is upto-date and approved by the Center for Substance Abuse Prevention.

SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is upto-date and approved by the Center for Substance Abuse Prevention.

State: 1	Nevada		
Name of	of Chief Executive Officer or Designee: Alex Haart	tz, M.P.H.	
Signati	re of CEO or Designee:		
/s/ Alex	Haartz		
Title:	Administrator	Date Signed:	9-6-06
	If signed by a designee, a copy of the designat	tion must be attach	ned

SECTION I: FFY 2006 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

1.	access si	ndicate any changes or additions to the State tobacco statute(s) relating to youth ince the last reporting year. Please attach a photocopy of the change(s) in the w(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)
	a.	Has there been a change in the minimum sale age for tobacco products?
		☐ Yes ⊠ No
		If Yes, current minimum age: 19 20 21
	b.	Have there been any changes in State law that impact the State's protocol for conducting Synar inspections? Yes No
		If Yes, indicate change (check all that apply):
		☐ Changed to require that law enforcement conduct inspections of tobacco outlets
		Changed to make it illegal for youth to possess, purchase or receive tobacco
		☐ Changed to require ID to purchase tobacco
		Other change(s) (please describe):
	c.	Have there been any changes in the law concerning vending machines?
		☐ Yes ⊠ No
		If Yes, indicate change (check all that apply):
		☐ Total ban enacted
		☐ Banned from location(s) accessible to youth
		Locking device or supervision required
		Other change(s) (please describe):
	d.	Have there been any changes in State law that impact the following?
		Licensing of tobacco vendors Penalties for sales to minors Yes No Yes No
2.		e how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see C. 300x-51) were made public within the State. (Check all that apply)
		Placed on file for public review
	\boxtimes	Posted on a State agency Web site (Specify Web site location: http://health2k.state.nv.us/BADA/)
		Notice published in a newspaper or newsletter
	\boxtimes	Public hearing
		Announced in a news release, a press conference, or discussed in a media interview

		\boxtimes	Distributed for review as part of the SAPT Block Grant application process
			Distributed through the public library system
			Published in an annual register
		hea pul Lav http Inc pre	Other change(s) (please describe): The Annual Synar Report was presented at a uring on August 30, 2006. Advanced notice of this hearing was posted in various olic locations around the state as per the Nevada Revised Statutes, Open Meeting w. Notice of the meeting was placed on the Bureau's Web site at p://health2k.state.nv.us/BADA/. Also, notice was sent to all members of the State entive Grant (SIG) Advisory Committee and all substance abuse treatment and vention programs funded by the Bureau of Alcohol and Drug Abuse. The report is sent to members of the Bureau of Alcohol and Drug Abuse Advisory Board, for iew, in advance of the August 30, 2006 meeting.
3.	Ident	ify	the following agency or agencies. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)
		a.	The State agency(s) designated by the Governor for oversight of the Synar requirements:
			The Nevada Department of Health and Human Services, State Health Division, Bureau of Alcohol and Drug Abuse (BADA).
			Has this changed since last year's Annual Synar Report? Yes No
		b.	The State agency(s) responsible for conducting random, unannounced Synar inspections:
			The Nevada Department of Justice, Office of the Attorney General.
			Has this changed since last year's Annual Synar Report? Yes No
		c.	The State agency(s) responsible for enforcing youth tobacco access law(s):
			The Nevada Department of Justice, Office of the Attorney General is responsible for the enforcement of state tobacco laws governing the sale of tobacco to minors. Attorney General Staff assigned to these enforcement activities include the Senior Deputy Attorney General (SDAG) of the Tobacco Unit (full time), two investigators (each full time), one management assistant, and eight youths (each part time). The Office conducts uniform compliance checks at all tobacco outlets which are accessible to youth across the State. This uniformity assures that all businesses are treated equitably and ensures program benefits are received throughout the State. This practice also assures that no outlet or group of outlets perceives they are being targeted. Local law enforcement agencies have concurrent authority over the sale of tobacco to minors, although they do not carry out unannounced compliance checks to enforce youth access laws.
			Has this changed since last year's Annual Synar Report? Yes No
			The Senior Deputy Attorney General for the Tobacco Unit now dedicates all her time to tobacco matters.

4. Identify the State agency(s) responsible for tobacco prevention control activities.

BADA is responsible for the implementation of the Synar prevention and control regulations in partnership with the Nevada Department of Justice, Office of the Attorney General. Additionally, collaborative arrangements exist with other public programs related to tobacco prevention which are described under section a. of this question.

на	s the responsible agency changed since last year's Annual Synar Report?			
	Yes No			
a.	n. Describe the coordination and collaboration that occur between the agency responsible for tobacco control and the agency responsible for oversight of Synar requirements. The two agencies (check all that apply):			
	Are the same			
	Have a formal written memorandum of agreement			
	Have an informal partnership			
	Conduct joint planning activities			
	Combine resources			
	Have other collaborative arrangement(s) (please describe): In addition to having an Interlocal Agreement with the Nevada Department of Justice, Office of the			
	Attorney General, who manages and completes Synar inspections, BADA is the Single State Agency for the SAPT Block Grant. Consequently, there is significant			
	coordination and collaboration between the Bureau and the primary prevention			
	programs it funds. Additionally, BADA works closely with the Center for Disease			
	Control and Prevention (CDC) funded Tobacco Control Project. Like BADA, that			
	program is also housed in the Nevada State Health Division. The goals of the			
	Tobacco Control Project are to: prevent the initiation of tobacco use among young			
	people; promote quitting among young people and adults; eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the			
	disparities related to tobacco use and its effects among different population groups.			
	Nevada's goals match national tobacco control goals.			

BADA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals determined to fight the high prevalence of tobacco use in Nevada. NTPC is committed to informing Nevada's decision makers and raising awareness with Nevada citizens of numerous issues related to tobacco use and industry marketing. This coalition is also actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. They believe that a focus on youth and a tobacco free environment will produce a healthier Nevada.

Four major programs were established by the State of Nevada with the tobacco settlement money. First, the Millennium Scholarship provides tuition assistance to Nevada youth who maintain a slightly better than "B" average throughout high

school. Second, the prescription insurance plan subsidizes prescription costs of senior citizens living below a certain income level. Third, 10% of the tobacco settlement money is allocated to a public health trust fund to promote public health and programs for disease or illness prevention, research issues related to public health, and provide direct health care services to children and senior citizens. Fourth, the *Task Force for The Fund for a Healthy Nevada* was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco control programs are funded; ensure that programs for children, people with disability, and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of funding; and to develop policies for distribution of grants. By statute, 20% of tobacco settlement monies must go to fund tobacco control projects.

The State of Nevada was awarded a State Incentive Grant (SIG) providing \$3,000,000 per year for FFY 2003 through FFY 2005. BADA plans to continue SIG funding via no cost extensions through FFY 2007 in order to complete the goals and objectives of the grant award. Nevada is using this grant to facilitate the development of 13 local coalitions in 11 geographic areas and two special populations (Latino in Southern Nevada and Statewide Native American). These coalitions will serve as regional prevention centers to develop and implement local comprehensive community prevention plans, and to identify and fund evidence-based programs that fill service gaps without duplicating existing services.

- 5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2006. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))
 - a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)

Enforcement is conducted exclusively by local law enforcement agencies.
Enforcement is conducted exclusively by State agency(s).
Enforcement is conducted by both local <u>and</u> State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by <u>LOCAL AND/OR STATE LAW ENFORCEMENT</u>

<u>AGENCIES.</u> Please fill in the number requested or indicate if these data are unavailable or the item is not applicable.

The Attorney General's Office combines Synar inspections with enforcement. The Office has been conducting compliance inspections at least twice per year at every retail outlet in the Synar database. Synar sample and enforcement inspections resulted in a total of 353 citations between 10/1/05 and 7/5/06. All citations were misdemeanor criminal charges issued to the person who made the sale of tobacco to the under age youth.

Of the 353 citations, 128 had been disposed of in court as of 5/15/06. The results of these 128 citations reviewed were as follows: 43.0% resulted in fines being imposed, 39.1% of the citations were dismissed if the plaintiff stayed out of trouble

for a reasonable period of time and/or met other requirements imposed by the courts, 7.0% were dismissed if the plaintiff completed the on-line WE CARD class, 3.9% were lost in the system or had no records regarding penalties imposed, 2.3% had fines or sentences suspended, 2.3% resulted in warrants being issued, and 2.3% were cause for jail time or community service being served. Of the 353 citations issued, 222 clerks asked for identification only, 123 requested neither age nor identification, 5 asked for identification and also asked for age, and 3 requested age but no identification.

Currently, the Attorney General's Office receives disposition results pursuant to procedures of various courts, and not all courts provide disposition results to the Office. Therefore, it has been necessary for the Office to research various court records to obtain available disposition results. This year the Tobacco Unit has worked closely with the courts to coordinate the receipt of dispositions, and have achieved some success. For dispositions not received from the courts, the tobacco investigator who issues the citation obtains the disposition(s) from the court(s).

There is a lag time, which varies by court, for citations to make it to appearance. The following table details the disposition results for the 128 citations described above. Between 10/1/05 and 7/24/06 there were a total of 353 citations issued, so the citations listed in the table represent approximately 36% of all citations issued.

				If Ava	ilable
PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	OWNERS	CLERKS
Number of citations issued			128		128
Number of <u>fines assessed</u>			55		55
Number of permits/licenses suspended	\boxtimes				
Number of permits/licenses revoked	\boxtimes				
Other (please describe): Dis	smissed by Co	urt ²	50		50
Suspend se CARD Inte	9		9		
Lost in System / No Court Records			5		5
Warrant Issued			3		3
Fine / Sente	ence Suspende	ed	3		3
Jail Time /	ervice	3		3	

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)

\boxtimes	Merchant	education	and/or	training
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² Dismissals typically occurred after defendants obeyed all related laws for a reasonable period of time and met other requirements required by the court.

☐ Incentives for merchants who are in compliance (e.g., Reward and Reminder)
Community education regarding youth access laws
Media use to publicize compliance inspection results
Community mobilization to increase support for retailer compliance with youth access laws
Other activities <i>(please list):</i> The Office of the Attorney General is currently implementing an internet sale compliance check operation.

Briefly describe all checked activities:

Merchant Education/Industry Partnering

Nevada law requires that, after a retail outlet is investigated, a written report of each compliance check be mailed to that particular retailer. The cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. Various merchant education flyers are sent along with the report.

The Attorney General's Office continues to offer corporations owning multiple outlets the opportunity to receive a copy of the compliance check results by FAX rather than by USPS mail. This program continues to be popular, hence it has been extended to all stores. Receiving the results of compliance checks by FAX rather than mail speeds up notification, and it is anticipated that early notification assists the retailer in preventing future violations.

In April, 2006, SDAG Vicky Thimmesch Oldenburg of the Tobacco Unit attended the Responsible Retailing Forum in Washington, D.C. The three day program consisted of an Attorney General workshop with national retail chains, and several presentations on various issues, including point-of sales, social sources, the Responsible Retailing Systems Project, the real ID, and responsible retailing research.

State Attorneys General, including the Nevada Attorney General, have executed several agreements entitled "Assurance of Voluntary Compliance" (AVC) with major retail chains. Launched in 2000, the multi-state enforcement effort by a group of Attorneys General focuses on retailers with poor records of selling tobacco products to minors. The enforcement program's goal is to secure the companies' agreement to take specific corrective actions. The agreements incorporate "best practices" to reduce tobacco sales to minors, which were developed by the Attorneys General in consultation with researchers and state and federal tobacco control officials. In 2006, the Nevada Attorney General executed AVC's for Conoco Philips, Chevron, and CVS Pharmacy. Nevada is also a party to AVC's which cover all Wal-Mart, Walgreens and Rite Aid stores, and all gas stations and convenience stores operating under the Exxon, Mobil, BP, ARCO and Amoco brand names.

The Nevada Attorney General reports violations to the corporate offices of all those corporations that signed AVC's so that the corporation may take action if the franchisee failed to report the violation(s). The AVC's are a positive and effective step towards precluding the sale of tobacco to minors.

Merchant Incentives

The Attorney General's Office sends out congratulatory letters to all outlets that do not sell to minors during compliance checks. In addition, when a retail clerk does not sell to underage youth, the investigator presents the clerk with a WE CARD congratulatory card and lapel pin.

In addition, the Attorney General's Office provides Philip Morris, Lorillard, and 7-Eleven with a monthly report of stores which had clerks cited for illegal tobacco sales. The reports are used by the companies to withhold retail benefits from individual stores for a future designated month. Because the withheld benefits can be up to \$2,000 per month, it is believed there is an incentive for the retailers to provide proper training for their clerks.

Tobacco Industry Partnering

This year, along with several Attorneys General of the MSA States, Nevada Attorney General, George J. Chanos, signed the Protocol Regarding Remote Sales of Cigarettes with Philip Morris USA and Lorillard Tobacco.

The protocols provide for the: (a) termination of shipments of cigarettes to any of Philip Morris USA or Lorillard's direct customers that the Attorneys General have found to be engaging in illegal Internet and mail order sales; (b) reduction in the amount of product made available to direct customers found by the Attorneys General to be engaged in the illegal re-sale of Philip Morris USA or Lorillard's cigarettes to the Internet vendors; and (c) suspension from the companies incentive programs any retailer found by the Attorneys General to be engaging in such illegal sales.

Media Use

Press releases were issued when the ConocoPhillips, Chevron, and CVS Pharmacy AVC's were signed. In addition, press releases were issued regarding the Internet Protocol agreements with Philip Morris USA and Lorillard, which generated a radio interview with SDAG. Vicky Thimmesch Oldenburg.

In addition, the Nevada Attorney General's Office is responsible for ensuring compliance with the Master Settlement Agreement (MSA), which includes provisions concerning youth smoking. Generally, press releases regarding the MSA will contain information and statistics on the retail tobacco enforcement program.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2006. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

6. Has the sampling methodology changed from the previous year?

		Date: Sept. 2006
		Yes No
	me Me	e State is required to have an approved up-to-date description of the Synar sampling athodology on file with CSAP. Please submit a copy of your Synar Survey Sampling withodology (Appendix B). If the sampling methodology changed from the previous porting year, these changes must be reflected in the methodology submitted.
7.		nswer the following questions regarding the State's annual random, unced inspections of tobacco outlets. (See 45 C.F.R. $96.130(d)(2)$)
	a.	Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data? ☑ Yes □ No
		If Yes , attach SSES summary tables 1, 2, 3 and 4 and go to Question 8.
		If No, continue to Question 7b.
	b.	Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.
		Unweighted RVR
		Weighted RVR
		Standard error (s.e.) of the (weighted) RVR
		Fill in the blanks to calculate the <u>right limit</u> of the right-sided 95% confidence interval.
		RVR Estimate+ Plus(1.645 times)X Standard Error)= equalsRight Limit
	c.	Fill out Form 1 in Appendix A (Forms). (Required regardless of the sample design)
	d.	How were the (weighted) RVR estimate and its standard error obtained? (Check the one that applies)
		☐ Form 2 (Optional) in Appendix A (Forms) (Attach completed Form 2)
		Other (Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.)

e. If stratification was used, did any strata in the sample contain only one outlet

or cluster this year?

FFY: 2007 State: Nevada

Date: <u>Sept. 2006</u>

		If Yes , explain how this situation was dealt with in variance estimat	ion.
	f.	Was a cluster sample design used?	
		☐ Yes ☐ No	
		If No, go to Question 7g.	
		If Yes , fill out and attach Form 3 in Appendix A (Forms), and answequestion:	er the following
		Were any certainty primary sampling units selected this year?	
		☐ Yes ☐ No	
		If Yes, explain how the certainty clusters were dealt with in variance	e estimation.
	g.	Report the following outlet sample sizes for the Synar survey.	
			Sample Size
		Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
	7	Farget sample size (the product of the effective sample size and the design effect)	
		Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
]	Eligible sample size (number of outlets found to be eligible in the sample)	
		Final sample size (number of eligible outlets in the sample for which an inspection was completed)	
	п.	Fill out Form 4 in Appendix A (Forms).	
8. Die	l the	State's Synar survey use a list frame?	
8. Die	l the ⊠	State's Synar survey use a list frame? Yes \sum No	
8. Die	l the ⊠	State's Synar survey use a list frame?	
8. Die	l the ⊠	State's Synar survey use a list frame? Yes No Yes, answer the following questions about its coverage:	
8. Die	l the	State's Synar survey use a list frame? Yes No Yes, answer the following questions about its coverage:	

If **Yes**, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

d.	The calendar year of the	e next coverage study planned:	2007

9. Has the Synar survey inspection protocol changed from the previous year?

Yes	No No
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The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

- a. Provide the inspection period: From: 10/01/05 To: 07/5/06 MM/DD/YY
- b. Provide the number of youth inspectors used in the current inspection year: 8
- c. Fill out and attach Form 5 in Appendix A (Forms). (Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

SECTION II: FFY 2007 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

•	-
1.	In the upcoming year, does the State anticipate any changes in the:
	Synar sampling methodology Yes No Synar inspection protocol Yes No
	If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) o an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.
2.	Please describe the State's plans to maintain and/or reduce the retailer violation rate for Synar inspections to be completed in FFY 2007. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.
	The Attorney General's Office continues to review internal procedures and practices to strengthen the retail tobacco enforcement program. In addition, the Office is in the process of developing guidelines for the implementation of Internet Tobacco sale compliance checks
	The Attorney General's Office is continuing it's process of developing a comprehensive list of businesses that may have cigarette vending machines, or that may sell tobacco products as a sideline, such as bowling centers and golf courses. Once the list is complete and locations are verified, the Office will send a letter to the businesses outlining Nevada's law banning vending machines from locations accessible to youth. Due to limited resources, the completion date of the project is anticipated to be at the end of the fiscal year. In the interim the tobacco investigators continue to investigate businesses to ensure that all cigarette vending machines are placed in adult only areas.
3.	Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)
	 ☑ Limited resources for law enforcement of youth access laws ☑ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
	Limitations in the State youth tobacco access laws
	Limited public support for enforcement of youth tobacco access laws
	Limitations on completeness/accuracy of list of tobacco outlets
	Limited expertise in survey methodology
	Laws/regulations limiting the use of minors in tobacco inspections

☐ Difficulties recruiting youth inspectors
Geographic, demographic, and logistical considerations in conducting inspections
Cultural factors (e.g., language barriers, young people purchasing for their elders)
Other challenges (please list):
No challenges (please explain):

Briefly describe all items checked above:

Resources. Nevada is a fast growing state, and the Tobacco Unit has not grown consistent with population growth. The Tobacco Unit is anticipating that the 2007 Nevada Legislature will allocate the necessary resources to hire two additional investigators to handle vending machine checks and internet tobacco sale compliance checks aimed at those who violate Nevada tobacco sale laws.

Additionally, the Reno and Las Vegas metropolitan areas are experiencing a great deal of business turnover and growth. Maintaining accurate lists of vendors has been a challenge for investigators, especially where high staff turnover has occurred. Because the Tobacco Unit Investigators spend much of their time noting changes in ownership and location when they are in the field doing compliance checks, finding the resources to meet current workload demands for tobacco enforcement has been difficult.

Geographic, demographic, and logistical considerations in conducting inspections. Nevada is geographically a large state that is sparsely populated outside of its main metropolitan centers in the north and south. As such, costs per inspection due to travel are relatively high, particularly in outlying areas. Weather and out of state travel pose additional management concerns in trying to get to those outlying areas as well. However, the logistical considerations faced in completing the Synar checks are no different than those typical to many other State run programs.

Issues regarding sources of tobacco under tribal jurisdiction. Nevada has numerous tribes that sell tobacco products on their reservations. Due to jurisdictional issues which preclude State enforcement agents from engaging in tobacco compliance check operations on tribal property, those stores go unchecked. However, this fiscal year SDAG, Vicky Oldenburg, will be exploring the possibility of entering into compacts with the various Indian Tribes with the intent of the Tribes waiving jurisdiction for the limited purposes of conducting tobacco compliance checks.

APPENDIX A: FORMS

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	Nevada
Federal Fiscal Year (FFY)	2007
Date	8/21/2006 15:58
Data	SSES Export.XLS
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	16.0%
Weighted Retailer Violation Rate	16.0%
Standard Error	1.4%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 18.2%]
Two-sided 95% Confidence Interval	[13.3%, 18.7%]
Design Effect	1.0
Accuracy Rate (unweighted)	94.4%
Accuracy Rate (weighted)	94.4%
Completion Rate (unweighted)	99.4%

Sample Size for Current Year

Effective Sample Size	415
Target (Minimum) Sample Size	553
Original Sample Size	553
Eligible Sample Size	522
Final Sample Size	519
Overall Sampling Rate	27.5%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)

STATE: Nevada FFY: 2007

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	PSU	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
	All Outlets										
1	1	1,997	1,885	N/A	N/A	553	522	519	83	16.0%	
Total		1,997	1,885			553	522	519	83	16.0%	1.4%
				0	ver the C	ounter O	utlets				
1	1	1,997	1,885	N/A	N/A	553	522	519	83	16.0%	
Total		1,997	1,885			553	522	519	83	16.0%	1.4%
Vending Machines											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: Nevada FFY: 2007

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	519	
Total (Eligible Cor	npletes)		519
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	3	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Nor	ncompletes)		3
I1	Out of Business	15	
12	Does not sell tobacco products	4	
13	Inaccessible by youth	2	
14	Private club or private residence	0	
15	Temporary closure	9	
16	Unlocatable	1	
17	Wholesale only/Carton sale only	0	
18	Vending machine broken	0	
19	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)	•		31
Grand Total			553

FFY: 2007 State: Nevada

Date: Sept. 2006

SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)

STATE: Nevada FFY: 2007

Frequency Distribution

	natibution			
Gender	۸۵٥	Number of	Attempted	Successful
Gender	Age	Inspectors	Buys	Buys
Male	14	0	0	0
	15	1	35	2
	16	3	188	31
	17	1	63	5
	18	0	0	0
	Subtotal	5	286	38
Female	14	0	0	0
	15	2	174	34
	16	3	52	9
	17	1	7	2
	18	0	0	0
	Subtotal	6	233	45
Other		0	0	0
Grand Total		11	519	83

Buy Rate in Percent by Age and Gender

Day reacons by rego and condo					
Age	Male	Female	Total		
14	0.0%	0.0%	0.0%		
15	5.7%	19.5%	17.2%		
16	16.5%	17.3%	16.7%		
17	7.9%	28.6%	10.0%		
18	0.0%	0.0%	0.0%		
Other			0.0%		
Total	13.3%	19.3%	16.0%		

Note: No more than eight youth inspectors are employed at one time. Only eight youth inspectors were used to complete Synar sample inspections this past year; but, three had birthdays and were therefore counted in two age groups bringing the total shown above to 11.

APPENDIX B

STATE:	Nevada
FFY:	2007

SYNAR SURVEY SAMPLING METHODOLOGY

	(Go to Question 2)
☐ Area frame	(Go to Question 3)

1. What type of sampling frame is used?

List-assisted area frame

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4)

(Go to Question 2)

Use the corresponding number to indicate Type of Source in the table below:

1 - Statewide commercial business list
 2 - Local commercial business list
 4 - Statewide retail license/permit list
 5 - Statewide liquor license/permit list

3 – Statewide tobacco license/permit list 6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle		
Synar Database	6	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously fed into the frame database for updates.		

•	TC	e • 1		1	• • •	1 0 1	1 1 6 1
•	It an area t	trame is lised (1ACCPINA	how area samp	ling linite are (hatinad	and tarmed
J.	. II ali al Ca i	n anic is uscu. t		now area samo	iiiiz uiiits ait t		anu ivi incu.

	If Yes , what percentage of the State's population is not covered by the area frame?
4.	Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?
	☐ Yes ⊠ No
	If No, please indicate the reason they are not included in the Synar survey.
	State law bans vending machines
	⊠ State law bans vending machines from locations accessible to youth
	☐ State has SAMHSA approval to exempt vending machines from the survey
	Other (please describe):
5.	Which category below best describes the sample design? (Check only one)
	Census (STOP HERE: Appendix B is complete)
	Unstratified State-wide sample:
	Simple random sample (go to Question 9)
	Systematic random sample (go to Question 6)
	Single-stage cluster sample (go to Question 8)
	☐ Multi-stage cluster sample (go to Question 8)
	Stratified sample:
	Simple random sample (go to Question 7)
	Systematic random sample (go to Question 6)
	Single-stage cluster sample (go to Question 7)
	☐ Multi-stage cluster sample (go to Question 7)
	Other (please describe and go to Question 9):
6.	Describe the systematic sampling methods. (After completing Question 6, go to Question if stratification is used. Otherwise go to Question 9.)

7.		the following information about stratification Provide a full description of the strata that are created.
8.	Provide	Is clustering used within the stratified sample? Yes (go to Question 8) No (go to Question 9) the following information about clustering Provide a full description of how clusters are formed. (If multi-stage clusters are used, give definitions of clusters at each stage.)
	b.	Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

The SSES Sample Size Calculator was used to determine the minimum adequate sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 20% was used.

When using SSES sample size calculator, the formula shown on the next page is used for calculating a sample size using a two tail test:

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(0.0153)^2}{P(1-P)} + \frac{1}{N}\right)}.$$

where P is the violation rate, 0.0153 is the standard error of the estimate for 3% margin of error for two-sided confidence interval, and

N is the total number of outlets in the sampling frame.

The target sample size (n_t) is the same as the effective sample size for simple random sampling.

The original sample size is determined by:

$$n_o = (1+s)\frac{n_t}{r_l r_c},$$

where s is a safety margin, r_l is the expected eligibility rate, and r_c is the expected completion rate.

APPENDIX C

STATE:	Nevada		
FFY:	2007		

SYNAR SURVEY INSPECTION PROTOCOL

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1.	How does the State Synar survey protocol address the following?					
	a.	Consummated buy attempts?				
		⊠ Required	Not Permitted			
		Permitted under specified circumstances	Not specified in protocol			
	b.	Youth inspectors to carry ID?				
		⊠ Required	☐ Not Permitted			
		Permitted under specified circumstances	☐ Not specified in protocol			
	c.	Adult inspectors to enter the outlet?				
		Required	☐ Not Permitted			
		Permitted under specified circumstances	Not specified in protocol			
	d.	Youth inspectors to be compensated?				
		⊠ Required	☐ Not Permitted			
		Permitted under specified circumstances	☐ Not specified in protocol			
2.		the agency(s) or entity(s) that actually cond enspections of tobacco outlets. (Check all that				
		Law enforcement agency(s) State or local government agency(s) other that Private contractor(s) Other	n law enforcement			
	Li	st the agency name(s): Nevada Department of J	Justice, Office of the Attorney General			
3.	•	nar inspections combined with law enforcem arnings or citations to retailers found in viole on)?				
		Always Usually Sometimes Ra	rely Never			

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

The Nevada Attorney General's Office generally employs eight youth inspectors (four in Southern Nevada and four in Northern Nevada). They are recruited through various means including high school counselors and law enforcement scouting groups. Only eight youth may be employed at one time. The ages of the youth range from 15 years of age to 17 ½ years of age. Great care is taken to select youth whose appearance fits the age criteria. Once a new youth hire has been fully trained and has a grasp of the compliance check protocol, the new youth hire accompanies an experienced youth employee and an investigator in the field where purchase attempts are observed first hand by the new hire.

The Attorney General's Office also employs two full time investigators (one in Southern Nevada and one in Northern Nevada) who supervise the youth in conducting the compliance checks. The investigators are Nevada POST certified law enforcement officers. To recruit investigators, the Attorney General's Office Investigation Division seeks internal as well as external candidates. Complete background checks are completed for all viable candidates.

5.	Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?				
	a.	Legal	☐ Yes	No (If Yes, please describe):	
	b.	Procedural	☐ Yes	No (If Yes, please describe):	
6.		e of the safety of		aral requirements instituted by the State to address pectors during all aspects of the Synar inspection	
	a.	Legal	☐ Yes	No (If Yes, please describe):	
	b.	Procedural	Yes	No (If Yes, please describe):	
	wl ins the Ca	here tobacco is so spection if they o reat to the safety	old. In addi bserve any of the youth ory card and	re required to accompany the youths into the stores tion, investigators are directed not to conduct an law enforcement activity or any activity that may be an (e.g. illegal drug purchases). Furthermore, the WE d lapel pin are not distributed if there is any possible rage youth.	
7.	inspecti		nducted (e.	dural requirements the State has regarding how g., age of youth inspector, time of inspections,	
	a.	Legal	☐ Yes	No (If Yes, please describe):	

b.	Procedural	Yes	No (If Yes , please describe):
----	------------	------------	---------------------------------------

Fifteen, sixteen, and seventeen year old minors are used to conduct compliance checks; minors younger than fifteen and older than 17 are not used. Fifteen year old minors may not work outside the hours of 7:00 a.m. to 7:00 p.m.

Below is a copy of the Tobacco Compliance Check form used to collect data at inspection. The form is based on current procedures.

ailer Information				spections	on: n Results		
Please check the appr	opriate box for the busin	ess classification:					
Gen Merch	SM/Grocery	Conven	Conv/Gas	Gas	Drug	Tobacco	Other
Does Not Sell T Vending Machine	ne 🗌 Ve	usiness Temporarily (oved	Out of Bu		Unsatisfactor	y Conditions
Business Name	on is not correct, please	Check the appropriate				Address Chan	ide
Date of Check:		eck (Military):	Minor ID:			Minor's Initials:	
Result of minor's atter	npt to purchase tobacco	product:					
ID Requested: Yes No	Age Asked: Yes No	Sale Completed Yes No	: Minor's A	ige:		Minor's DOB:	
Retail Clerk: Male Female	Retail Clerk's Name:		Retail Clerk's Pos	sition:		Register Location	n:
Prior Inspection C		□ No					
Officer witnessed tra	ansaction?		Sr	purchase garettes nokeless			
Officer's signature			Officer's r		ase print)		
additional Comments			_				

APPENDIX D

STATE: Nevada

		SIAIL.	11C vada
		FFY:	2007
	List Sampling Frame Coverage Study (LIST FRAME ONLY)		
1.	Calendar year of the coverage study:		
2.	Percent coverage found: 98 % (Provide calculation of the percent coverage) 1,962 / 1,997 = 98%		

3. Provide a description of the coverage study methods and results.

Every outlet selling tobacco products and that is accessible to minors are inspected a minimum of twice per year. As inspectors travel through towns and cities conducting inspections, they are diligent to identify and inspect new establishments recording pertinent facility data. Through the first 3 quarters of FFY 2006, they found 96 new establishments. In addition, inspectors record outlets that were in the sampling frame that do not sell tobacco products. The Synar database is updated accordingly.